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EXAMINER

MARTIN, NICHOLAS A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/886,169

Applicant(s)

THOMAS, MARK G.

Examiner

Nicholas Martin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1-19 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Arguments***

3. Applicants arguments filed on 2/28/2005 have been fully considered by they are not persuasive.
4. As per remarks, Applicants' argued that (1) Stockwell does not teach, suggest or disclose a proscribed code scanner indicating to a transfer component that code may or may not contain proscribed code.
5. As to point (1), Stockwell discloses a proscribed code scanner indicating to a transfer component that code may or may not contain proscribed code (Col. 5, lines 28-47 "...The second field of the edo base is a state field which is filled in by the filtering functions. The state field indicates whether the edo has been rejected by a previous filter"; Col. 6, lines 1-20 "...Data edo is derived from a bytes edo, and contains annotations appended by the filter or modifier nodes. Such annotations may include...the rejection reason if the message failed a filter..."; Col. 8, lines 6-12 "...This output is directed to the next module based on the edo's filter-filter result field. A filter module is visualized as having two outputs, one for PASSed edos and one for REJECTed edos..."; Col. 14, line 53 – Col. 15, line 57 "A variety of filter types are

configurable ... scans the message for a match on any of the words included in a predefined list... catch mail which is not 'normal' text or includes nontext attachments...").

6. As per remarks, Applicants' argued (2) Stockwell does not teach filters notifying any transfer component to transfer a message to a secondary storage component depending upon review.

7. As to point (2), Stockwell teaches filters notifying any transfer component to transfer a message to a secondary storage component depending upon review (Col. 2, lines 18-28 "...it will check the real domain, which will be that of the parent sendmail process. It will check that the source burb parameter matches the sendmail source burb. If they disagree, then there is a configuration error or sendmail has been subverted. In either case the queue agent will audit and exit"; Col. 8, lines 6-12 "... This output is directed to the next module based on the edo's filter-filter result field. A filter module is visualized as having two outputs, one for PASSEd edos and one for REJECTEd edos..."; Col. 10, lines 14-34 "...auditor A nodes are individual terminals which direct rejections to the same destination... Messages that pass the binary filter will be delivered...").

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockwell et al. (hereinafter Stockwell), US Patent 6,072,942.

9. As per claim 1, Stockwell teaches a method for processing stored and forwarded code, comprising the steps of:

transferring code, from a storage component, to a transfer component (Col. 3, lines 54-65; Col. 4, lines 13-38);

transferring said code, from said transfer component, to a proscribed code scanner (Col. 3, lines 54-65; Col. 4, lines 13-38);

indicating, via said proscribed code scanner to said transfer component, whether code contains proscribed code (Col. 5, lines 28-47; Col. 6, lines 1-20; Col. 8, lines 6-12; Col. 14, line 53 – Col. 15, line 57); and,

transferring said code to at least one secondary storage component based on said indication (Col. 2, lines 18-28; Col. 8, lines 6-12; Col. 10, lines 14-34).

10. As per claim 2, Stockwell teaches the method of claim 1, further comprising the step:

transferring said code from said at least one secondary storage component to a subsequent code transfer component (Col. 4, lines 54-60; Col. 5, lines 5-9).

11. As per claim 3, Stockwell teaches the method of claim 1, further comprising the step:

sorting said code prior to transfer to said at least one secondary storage component (Col. 3, lines 54-59).

12. As per claim 4, Stockwell teaches the method of claim 3, further comprising the step:

transferring code to at least two secondary storage components, with a first of at least two secondary storage components receiving smaller stored and forwarded code and a second of at least two secondary storage components receiving larger stored and forwarded code groups (Col. 3, lines 54-59; Col. 14, lines 54-56; Col. 15, lines 21-22).

13. As per claim 5, Stockwell teaches the method of claim 1, wherein:

said code comprises email (Col. 2, lines 16-20).

14. As per claim 6, Stockwell teaches a method for processing stored and forwarded code, comprising:

transferring code, from a storage component, to a first transfer component;  
sorting said code (Col. 3, lines 54-57; Col. 4, lines 33-38);

transferring said code, based on the results of said sort, to at least one first secondary storage component (Col. 4, lines 33-38, lines 54-60);

transferring said code from at least one first secondary storage component to at least one secondary transfer component (Col. 3, lines 54-59);

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transferring said code, from said at least one first secondary transfer component to a proscribed code scanner (Col. 3, lines 54-59; Col. 4, lines 13-38, lines 54-60);

indicating, via said proscribed code scanner to said at least one first transfer component, whether said code contains proscribed code (Col. 3, lines 33-36, lines 54-57; Col. 5, lines 28-47; Col. 6, lines 1-20; Col. 8, lines 6-12; Col. 14, line 53 – Col. 15, line 57); and,

transferring said code from at least one first secondary transfer component to at least one second secondary storage component based on said indication (Col. 2, lines 18-28; Col. 4, lines 13-38, lines 54-60; Col. 8, lines 6-12; Col. 10, lines 14-34).

15. As per claim 7, Stockwell teaches the method of claim 6, further comprising the step:

transferring said code from said at least one secondary storage component to a subsequent to a subsequent code transfer component (Col. 4, lines 54-60; Col. 5, lines 5-9).

16. As per claim 8, Stockwell teaches the method of claim 6, wherein:

the step of sorting said code further comprises sorting the code by size (Col. 15, line 21).

17. As per claim 9, Stockwell teaches the method of claim 6, wherein:

said code comprises email (Col. 2, lines 16-20).

18. As per claim 10, Stockwell teaches a method for processing stored and forwarded email, using sendmail, comprising:

transferring email, from a sendmail queue, to a transfer component, then to a proscribed code scanner (Col. 4, lines 18-22);

indicating, via said proscribed code scanner to said transfer component, whether said email contains proscribed code (Col. 3, lines 33-36, lines 54-57; Col. 5, lines 28-47; Col. 6, lines 1-20; Col. 8, lines 6-12; Col. 14, line 53 – Col. 15, line 57); and,

transferring said email to at least one secondary sendmail queue based on said indication (Col. 2, lines 18-28; Col. 4, lines 13-38, lines 54-60; Col. 8, lines 6-12; Col. 10, lines 14-34).

19. As per claim 11, Stockwell teaches the method of claim 10, further comprising the step:

transferring said email from said at least one secondary sendmail queue to a subsequent sendmail process (Col. 4, lines 18-22, Col. 4, lines 54-60; Col. 5, lines 5-9).

20. As per claim 12, Stockwell teaches the method of claim 10, further comprising the step:

sorting said email prior to transfer to said at least one secondary sendmail queue (Col. 4, lines 13-15, lines 18-20).

21. As per claim 13, Stockwell teaches the method of claim 12, wherein:

the step of sorting said email prior to transfer to said at least one secondary sendmail queue component further comprises sorting email by size (Col. 15, line 21).

22. Claims 14 - 17 do not teach or define any new limitations above claims 10-13 and therefore are rejected for similar reasons.



23. As per claim 18, Stockwell teaches an article of manufacture:

a computer-readable signal bearing medium and storage means in the medium for storing code (Col. 5, lines 22-30; Col. 6, lines 37-40; Col. 7, lines 61-66; Col. 8, lines 1-6);

transfer means in the medium for transferring stored code to a proscribed code scanner (Col. 8, lines 8-12).

proscribed code scanner means in the medium for scanning said code for proscribed code and indicating to said transfer means whether said code contains proscribed code (Col. 3, lines 33-36, lines 54-57; Col. 5, lines 28-47; Col. 6, lines 1-20; Col. 8, lines 6-17; Col. 14, line 53 – Col. 15, line 57);

a first and second secondary storage means in the medium for storing said code based upon the presence or absence of proscribed code as indicated by said proscribed code scanner means (Col 10, lines 16-22; Col. 2, lines 18-28; Col. 4, lines 13-38, lines 54-60; Col. 8, lines 6-12; Col. 10, lines 14-34)

24. Claim 19 does not teach or define any new limitations above claim 1 and therefore is rejected for similar reasons.

### ***Response to Amendment***

25. Examiner acknowledges amendments to the drawings, which now appear to be in conformance with MPEP § 608.02(d). Objection has been withdrawn.

26. Examiner acknowledges amendments to the specification, which now appears to be in conformance with MPEP § 608.01(g). Objection has been withdrawn.

27. Examiner acknowledges amendment to claim 9 for correction of minor informalities. Objection has been withdrawn.

28. Examiner acknowledges amendments to claims 4, 11 and 18 pertaining to 35 U.S.C. § 112, second paragraph. Objection has been withdrawn.

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin  
Art Unit 2154  
May 4, 2004

A handwritten signature in black ink, appearing to read "N. E. Hardy". The signature is written in a cursive, flowing style with a long, sweeping tail on the last letter.